





to the December 31, 2008 Memorandum Order of the Magistrate Judge is OVERRULED.

The Magistrate Judge's December 31, 2008 Memorandum Order also noted that Plaintiff's complaint did not comply with Federal Rule of Civil Procedure 8(a)(2) and directed Plaintiff to file a particularized complaint within fifteen (15) days of the date of entry thereof. Plaintiff was warned that the failure to comply with the directives of the December 31, 2008 Memorandum Order would result in dismissal of the action without prejudice. *See* Fed. R. Civ. P. 41(b). Plaintiff, however, has not complied by submitting a particularized complaint. Accordingly, the action will be dismissed without prejudice.

An appropriate Order shall accompany this Memorandum Opinion.

Date: Feb 10, 2009  
Richmond, Virginia

   
**Henry E. Hudson**  
**United States District Judge**